IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

-

WRIT PETITION NO.5269 of 1996

Between:

Meraj Khan S/o Naeem Khan
R/o H.No.1-5-6/1311, Krishna Colony,
Musheerabad, Hyderabad

..... PETITIONER

AND

1 The State of A.P. rep. by Secretary to Govt.
Health, Medical & Family Welfare Dept., Secretariat,
Hyderabad
2 The Authorisation Committee rep. by Chairman
Director Education, A.P., HYderabad
3 Dr. S. Saharia Rental Transplant Unit
Mhaveer Haspital & Research Centre, A.C.Guards,
Hyderabad
4 Sri Saleem Khan, s/o Akbar Khan, R/o H.No.1-4-586/285,
Indira Gandhi Nagar, Musheerabad, Hyderabad.

(Writ Petition as against R-4 dismissed for default as per court order dated 4.4.2000)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an order or direction more in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in rejecting the joint request made by the petitioner and the 4th respondent for transplantation of kidney vide proceedings No.128/MA.B/95 dt: 7-3-1996 as wholly illegal, arbitrary, unjust and unconstitutional, being voilative of Arts.14 & 21 of the Constitution of India, and contrary to the provisions of the A.P. Transplantation of Human Organs Act 1995, and the Rules framed thereunder, and consequently direct the 3rd respondent to conduct the kidney transplantation by removing one kidney from the 4th respondent and transplant the same on to the

petitioner.

Counsel for the Petitioner: MRS. S.V.VIJAYA LAXMI NAIDU

Counsel for the Respondent Nos.1 and 2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent Nos.3 and 4: None

The Court made the following :

ORDER:

Learned counsel for the petitioner submits that the cause in this writ petition does not survive and has become infructuous.

Recording the said submission, the Writ Petition is dismissed as having become infructuous. No costs.

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(N.V. RAMANA, J)

Date: 09.11.2004

Nsr

To

1 The Secretary to Govt.,
Health, Medical & Family Welfare Dept., Secretariat,
State of A.P., Hyderabad
2 The Chairman, Director of Medical Education, A.P.,Authorisation

Committee HYderabad
3 Dr. S. Saharia Rental Transplant Unit
Mhaveer Haspital & Research Centre, A.C.Guards,
Hyderabad
4 Two CCs to GP for Medical, Health and Family Welfare, High Court of

A.P., Hyderabad (OUT)

5 Two CD copies.